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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LONI CHALMERS,

Case No. 06-3012-CO

Plaintiff,

v.

Complaint for Violations of Fair Debt
Collection Practices Act

BISHOP, WHITE & MARSHALL, P.S.,

Defendant.

JURY REQUESTED

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual damages, statutory damages, and attorney fees and costs brought by Plaintiff, Loni Chalmers, an individual consumer, against Defendant, Bishop, White & Marshall, P.S., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* (herein "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

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II. JURISDICTION

2. This Court has jurisdiction pursuant to the FDCPA, 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Venue in this District is proper because Defendants conduct business in Oregon and the conduct complained of occurred within the District.

III. PARTIES

3. Plaintiff is a natural person residing in Selma, Oregon.

4. Defendant, Bishop, White & Marshall, P.S., (herein "Bishop"), is a Washington corporation engaged in the business of collecting debts with its principal place of business located in Seattle, Washington. The principal purpose of Defendant is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another. Defendant is not registered to do business in the State of Oregon.

5. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3) and by the FCRA, § 1681 a(c).

IV. FACTUAL ALLEGATIONS

6. In 2002 Plaintiff maintained a checking account with Southern Oregon Federal Credit Union (herein "SOFCU").

7. In 2002 Plaintiff authorized MBNA Bank to do a check over the telephone.

8. MBNA sent the check to SOFCU twice, withdrawing twice what Plaintiff authorized.

9. Due to MBNA's actions, Plaintiff missed her mortgage payment.

10. Due to the missed mortgage payment Plaintiff entered into a forbearance agreement with Wells Fargo Bank.

11. Wells Fargo Bank, while withdrawing payments from Plaintiff due to the forbearance agreement, transposed digits in the draft drawn on Plaintiff's SOFCU account and withdrew nearly

\$1,000.00 more than Plaintiff authorized.

12. Due to the withdraws of MBNA and Wells Fargo, Plaintiff's SOFCU account became overdrawn.

13. MBNA assigned to Defendant the right to collect from Plaintiff.

14. Plaintiff informed Defendant she was represented by Olsen, Olsen & Daines.

15. Plaintiff informed Defendant she disputed the validity of the debt Defendant is collecting.

16. Defendant did not validate the amount owed.

17. Despite Defendant's knowledge of Olsen, Olsen & Daines' representation of Plaintiff, Defendant has mailed Plaintiff demands for payment. (Exhibit A.)

V. CLAIM FOR RELIEF

Claim One (FDCPA)

18. Defendant's action in communicating with a consumer who is represented by an attorney is a violation of the FDCPA, 15 U.S.C. § 1692c(a)(2).

19. Defendant's action has caused Plaintiff damages in the form of embarrassment, emotional distress, and attorney fees.

Claim Two (FDCPA)

20. Defendant's action in failing to validate Plaintiff's debt is a violation of the FDCPA, 15 U.S.C. § 1692g5(b).


21. Defendant's action has caused Plaintiff damages in the form of embarrassment, emotional distress, and attorney fees.

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WHEREFORE, Plaintiff Loni Chalmers respectfully requests that judgment be entered against Defendant as follows:

- A. Declaratory Judgment that Defendant's actions violated the FDCA;
- B. Actual Damages;
- C. Statutory Damages pursuant to 15 U.S.C. § 1692k in the amount of \$1,000.00;
- D. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k and 15 U.S.C. § 1681n; and
- E. For such other relief that the Court may deem just and proper.


DATED February 21, 2006



Keith D. Karnes OSB # 03352
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff requests a trial by jury in this matter.



Keith D. Karnes, OSB # 03352
Attorney for Plaintiff

BISHOP, WHITE & MARSHALL, P.S.

LAWYERS

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* Also Admitted in California
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February 8, 2006

LONI CHALMERS W0160302
1492 CROOKS CREEK RD
SELMA OR 97538-9708

LIMITED TIME OFFER!

Re: VISA MBNA v. LONI CHALMERS
Account #: W0160302

Dear LONI CHALMERS:

If you act now, our firm has been authorized to discount the current balance owed to VISA MBNA by 40%. This offer expires on February 27, 2006. Don't delay, to take advantage of this special limited time offer, please call TREVOR NAKAMURA toll free at 1-877-259-1016, ext 263.

Your Current Balance: \$5,997.06
Savings of: \$2,398.82
You Pay: \$3,598.24

For your convenience, we now accept checks, debit cards and credit cards over the phone.

Very truly yours,

Jerry Berry
Bishop, White & Marshall, P.S.

This communication is an attempt to collect a debt and any information obtained will be used for that purpose.